IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 23197 of 2004

Between:

Sri Venkateswara Winery and Distillery Private Ltd.,

(Formerly Sri Satya Winery and Distillery P.Ltd.,)
Shivanilayam, 25/A, Vikrampuri Colony, Secunderabad

rep. by its Power of Attorney Holder
Mr.LingalaGurulingam Goud S/o.Sathaiah Goud.

..... PETITIONER

AND

1 Government of Andhra Pradesh rep. by its Prl. Secretary Rev. (Ex.II) Department, Secretariat, Hyderabad.
2 The Commissioner of Proh. and Excise, Govt of A.P. Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not considering the representation Dt.19.4.2004, 12.3.2004, 18.2.2003 and not refunding or not adjusting the excess amounts of Rs.20,05,000/- collected from the Petitioner in the light of G.O.Ms.No.400, Rev. (Ex.III) Dept., Dt.3.7.2002 as arbitrary, unjust, and contrary to law and direct the respondents to consider the representations Dt.19.4.2004, 12.3/2004, 18.2.2003 in the light of G.O.Ms.No.400, Rev.(Ex.III) Dept., Dt.3.7.2002 for refunding or adjusting the excess amounts of Rs.20,05,000/- collected from the petitioner and pass such other order or orders.

Counsel for the Petitioner:MR.T.AMARNATH GOUD
Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following ORDER:

The petitioner is a distillery, which is said to have been granted licence in Form D2. An amount of about Rs.20,00,000/- is said have been collected from it, in excess of the licence fee. It states that representations on 18-02-2003, 12-03-2004 and 19-04-2004 were made by it seeking refund of the amount received from it in excess of the licence fee or adjustment of the same towards licence fee in future. Placing reliance upon G.O.Ms.No.400, dated 03-07-2002, the petitioner seeks appropriate relief.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

According to the petitioner, it had paid a sum of Rs.20,05,000/- in excess of the licence fee. The circumstances, under which the said amount is said to have been collected, cannot be adjudicated by this Court, at this stage. Reliance is placed by the petitioner upon the orders of the Government contained in G.O.Ms.No.400 dated 03-07-2002. The respondents can verify and decide as to whether the said G.O. gets attracted to the facts of the present case. The representations made by the petitioner cannot be kept pending indefinitely.

Hence, the writ petition is disposed of directing the respondents to consider the representations 18-02-2003, 12-03-2004 and 19-04-2004 said to have been submitted by the petitioner and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner shall enclose copies of representations along with the copy of this order and submit to the respondents. No order as to costs.

15-12-2004

kdl

To

1 The Principal Secretary, Government of Andhra Pradesh, Rev. (Ex.II) Department, Secretariat, Hyderabad.
2 The Commissioner of Proh. and Excise, Govt of A.P. Hyderabad.

3 Two CCs to the Government Pleader for Prohibition & Excise, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.